

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS

JOLT INITIATIVE, INC.,

Plaintiff,

v.

KEN PAXTON, in his official capacity as
Attorney General of Texas,

Defendant.

Case No.: 1:24-cv-01089-RP

NOTICE OF SUPPLEMENTAL AUTHORITY

Plaintiff Jolt Initiative, Inc. respectfully submits this Notice of Supplemental Authority concerning a recent hearing in *Spirit AeroSystems, Inc. v. Paxton*, 1:24-cv-00472-DII (W.D. Tex. Oct. 11, 2024) (Transcript attached as Exhibit A). The plaintiff in *Spirit* received a Request to Examine from Defendant Attorney General Ken Paxton, as Jolt has in this case. *See* Complaint ¶ 1, *Spirit*, 1:24-cv-00472-DII (W.D. Tex. May 1, 2024), ECF No. 1. *Spirit* challenged Texas Business Organizations Code §§ 12.151–12.156 as unconstitutional, arguing—as Jolt has in this case—that the Fourth Amendment requires that the recipient of an RTE have an opportunity for precompliance review before a neutral decisionmaker. *See id.* ¶¶ 39–47. *Spirit* filed a motion for summary judgment, *see* ECF No. 17, and this Court referred the motion to Magistrate Judge Lane for a report and recommendation.

On October 11, 2024, Judge Lane held a hearing on Spirit’s motion. ECF No. 43. In that hearing, Judge Lane stated his view that the challenged provisions are facially unconstitutional under the Fourth Amendment because they fail to provide the recipient of an RTE with an opportunity for precompliance review. *See* Transcript of Hearing at 68–71. Judge Lane described the issue as an “easy” one in light of the Supreme Court’s decision in *City of Los Angeles v. Patel*, 576 U.S. 409 (2015). *See* Transcript of Hearing at 69; *see also id.* (“*Patel* speaks for itself”). And he directed Spirit’s counsel to prepare a written order by the beginning of next week. *See id.* at 72; ECF No. 43.

This Court will ultimately decide whether to adopt Judge Lane’s report and recommendation. Jolt respectfully submits, however, that the arguments made by Spirit and accepted by Judge Lane provide support for holding in this case that the RTE received by Jolt violates the Fourth Amendment as well.

Respectfully submitted this October 18th, 2024,

/s/ Ben Gifford
Ben Gifford*
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CERTIFICATE OF SERVICE

I hereby certify that, on October 18, 2024, I electronically filed and served the foregoing using the Court's CM/ECF system.

/s/ Ben Gifford
Ben Gifford